

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VICKI SCHAFFER on behalf of herself and all
others similarly situated,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

Case No. 04-71391

Honorable John Corbett O'Meara

ORDER DENYING MOTION FOR RECONSIDERATION

Herb Ostach, a member of the plaintiff class, sent the court a "formal petition to re-open" the court's order denying motions filed that were filed by individuals disputing Defendant's rejection of their claims. Because the court acts only on motions and not on requests, the court must interpret Ostach's letter as a motion for reconsideration.

Pursuant to Local Rule 7.1(g)(3)(E.D. Mich. Dec. 1, 2005),

Generally, and without restricting the court's discretion, the court will not grant motions for reconsideration that merely present the same issued ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

In its previous order, the court expressly ruled that Ostach had failed to submit his claim form in a timely fashion and that the settlement agreement did not provide a remedy for untimely claims. Although Ostach again attempts to explain the reason for the untimeliness of his claim, he has failed to demonstrate a palpable defect by which the court and the parties have been misled.

ORDER

It is hereby **ORDERED** that Ostach's motion for reconsideration is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: October 23, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 23, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager